

NOTICE OF APPLICATION FOR  
PREJUDGMENT REMEDY/CLAIM FOR  
HEARING TO CONTEST APPLICATION  
OR CLAIM EXEMPTION

STATE OF CONNECTICUT  
SUPERIOR COURT  
www.jud.ct.gov

COURT USE ONLY	
CLPJRA Application For PJR	CLPJRHG Contest PJR Application (If Section III Completed)


JD-CV-53 Rev. 7-01  
C.G.S. §§ 52-278c et seq.

INSTRUCTIONS TO PLAINTIFF/APPLICANT

1. Complete section I in connection with all prejudgment remedies EXCEPT ex parte prejudgment remedies and submit to the Clerk along with your application and other required documents.
2. Upon receipt of signed order for hearing from clerk, serve this form on defendant(s) with other required documents.

SECTION I - CASE INFORMATION (To be completed by Plaintiff/Applicant)

Judicial <input checked="" type="checkbox"/> District Housing <input type="checkbox"/> Session G.A. No. <input type="checkbox"/>	COURT ADDRESS <b>1 Court Street, Middletown, Connecticut 06457</b>
Has a temporary restraining order been requested? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	AMOUNT, LEGAL INTEREST, OR PROPERTY IN DEMAND, EXCLUSIVE OF INTEREST AND COSTS IS ("X" one of the following) <input type="checkbox"/> LESS THAN \$2500 <input type="checkbox"/> \$2500 THROUGH \$14,999.99 <input checked="" type="checkbox"/> \$15,000 OR MORE ("X" if applicable) <input type="checkbox"/> CLAIMING OTHER RELIEF IN ADDITION TO OR IN LIEU OF MONEY DAMAGES
NAME OF CASE (First-named plaintiff vs. First-named defendant) <b>Hess Corporation vs. Copar Trucking, LLC</b>	
<input type="checkbox"/> SEE ATTACHED FORM JD-CV-67 FOR CONTINUATION OF PARTIES	
CASE TYPE (From Judicial Branch code list) MAJOR: <b>C</b> MINOR: <b>40</b>	NO. COUNTS <b>2</b>
NAME AND ADDRESS OF PLAINTIFF/APPLICANT (Person making application for Prejudgment Remedy) (No., street, town and zip code) <b>Hess Corporation, One Hess Plaza, Woodbridge, NJ 07095</b>	
NAME(S), ADDRESS(ES) AND TELEPHONE NO(S). OF DEFENDANT(S) AGAINST WHOM PREJUDGMENT REMEDY IS SOUGHT (No., street, town and zip code) (Attach additional sheet if necessary) <b>Copar Trucking, LLC, 90 Industrial Park Road, Suite 100, Middletown, Connecticut 06457</b>	
NAME AND ADDRESS OF ANY THIRD PERSON HOLDING PROPERTY OF DEFENDANT WHO IS TO BE MADE A GARNISHEE BY PROCESS PREVENTING DISSIPATION	

FOR THE PLAINTIFF(S) ENTER THE APPEARANCE OF:	NAME AND ADDRESS OF ATTORNEY, LAW FIRM OR PLAINTIFF IF PRO SE (No., street, town and zip code) <b>Polivy &amp; Taschner, LLC, Six Central Row, 2nd Floor, Hartford, Connecticut 06103</b>		
	TELEPHONE NO. <b>860-560-1180</b>	JURIS NO. (If atty. or law firm) <b>407964</b>	SIGNED  DATE SIGNED <b>03/03/2014</b>

SECTION II - NOTICE TO DEFENDANT

You have rights specified in the Connecticut General Statutes, including Chapter 903a, that you may wish to exercise concerning this application for a prejudgment remedy. These rights include the right to a hearing:

- (1) to object to the proposed prejudgment remedy because you have a defense to or set-off against the action or a counterclaim against the plaintiff or because the amount sought in the application for the prejudgment remedy is unreasonably high or because payment of any judgment that may be rendered against you is covered by any insurance that may be available to you;
- (2) to request that the plaintiff post a bond in accordance with section 52-278d of the General Statutes to secure you against any damages that may result from the prejudgment remedy;
- (3) to request that you be allowed to substitute a bond for the prejudgment remedy sought; and
- (4) to show that the property sought to be subjected to the prejudgment remedy is exempt from such a prejudgment remedy.

You may request a hearing to contest the application for a prejudgment remedy, assert any exemption or make a request concerning the posting or substitution of a bond in connection with the prejudgment remedy. The hearing may be requested by any proper motion or by completing section III below and returning this form to the superior court at the Court Address listed above.

You have a right to appear and be heard at the hearing on the application to be held at the above court location on:

DATE	TIME	COURTROOM
	M.	

SECTION III - DEFENDANT'S CLAIM AND REQUEST FOR HEARING (To be completed by Defendant)

I, the defendant named below, request a hearing to contest the application for prejudgment remedy, claim an exemption or request the posting or substitution of a bond. I claim: ("X" the appropriate boxes)

<input type="checkbox"/> that the amount sought in the application for prejudgment remedy is unreasonably high.	<input type="checkbox"/> a defense, counterclaim, set-off, or exemption.
<input type="checkbox"/> that any judgment that may be rendered is adequately secured by insurance.	<input type="checkbox"/> that I be allowed to substitute a bond for the prejudgment remedy.
<input type="checkbox"/> that the plaintiff be required to post a bond to secure me against any damages that may result from the prejudgment remedy.	

I certify that a copy of the above claim was mailed/delivered to the Plaintiff or the Plaintiff's attorney on the Date Mailed/Delivered shown below.

DATE COPY(IES) MAILED/DELIVERED	SIGNED (Defendant)	DATE SIGNED
TYPE OR PRINT NAME AND ADDRESS OF DEFENDANT		
DOCKET NO. PJR CV <b>114</b>		
NAME OF EACH PARTY SERVED*		
ADDRESS AT WHICH SERVICE WAS MADE*		

\*If necessary, attach additional sheet with names of each party served and the address at which service was made.

paid on 3-10-14 recpt #1 0431395

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JA 3-2-14

DOCKET NO.: MMX-CV14-6011313-S : SUPERIOR COURT  
HESS CORPORATION : J. D. OF MIDDLESEX  
VS. : AT MIDDLETOWN  
COPAR TRUCKING, LLC. : MARCH 3, 2014

**MOTION FOR PREJUDGMENT REMEDY**

To the Superior Court for the Judicial District of Middlesex at Middletown:

The undersigned represents that:

1. Hess Corporation, a Delaware corporation commenced the above-captioned action against the Defendant, Copar Trucking, LLC (hereinafter “Copar”) a Connecticut limited liability company with a last known business address of 90 Industrial Park Road, Suite 100, Middletown, Connecticut 06457 by Complaint dated February 5, 2014.

3. In support hereof, the Plaintiff submits the Affidavit of Joseph DeJianne in Support of Motion for Prejudgment Remedy.

2. There is probable cause that a judgment in the amount of the prejudgment remedy sought, or in an amount greater than the amount of the prejudgment remedy sought, taking into account any known defenses, counterclaims or set-offs, will be rendered in this matter in favor of Hess Corporation and as against Copar and that to secure the judgment, the applicant seeks an order from this court directing that the following prejudgment remedy be granted to secure the

sum of One Hundred Seventy Thousand Five Hundred Seventy-Five and 69/100 Dollars (\$170,575.69):

(a) To attach and/or garnish the property of the Defendant, Copar Trucking, LLC to secure such sum, namely:

(i) Any and all bank accounts, savings, checking or otherwise held in the name of Copar Trucking, LLC.

(b) To attach and/or garnish any other real or personal property of the Defendant, Copar Trucking, LLC as may be discovered in part as a result of the granting of Plaintiff's Motion for Disclosure of Assets which had been submitted in connection herewith or as discovered by Plaintiff by any other manner.

THE PLAINTIFF  
HESS CORPORATION

By: 

Dale M. Clayton, Esq.  
Polivy & Taschner, LLC  
P.O. Box 230294  
Hartford, CT 06123-0294  
Telephone (860) 560-1180  
Juris No. 407964  
Its Attorneys

DOCKET NO.: MMX-CV14-6011313-S : SUPERIOR COURT  
HESS CORPORATION : J. D. OF MIDDLESEX  
VS. : AT MIDDLETOWN  
COPAR TRUCKING, LLC. : MARCH , 2014

**ORDER GRANTING MOTION FOR PREJUDGMENT REMEDY**

WHEREAS, the Plaintiff in this action has moved for a prejudgment remedy to attach the goods and estate of the Defendant, Copar Trucking, LLC and;

WHEREAS, after due hearing at which the Plaintiff and the Defendant appeared and were fully heard, it is found that there is probable cause to sustain the validity of the Plaintiff's claim and that the application should be granted;

NOW THEREFORE, it is hereby ordered that the Plaintiff may attach and/or garnish to the value of \$170,575.69, the real and/or personal property of the Defendant, Copar Trucking, LLC as described on Exhibit 1 attached hereto.

Dated at Middletown, Connecticut on this \_\_\_\_\_ day of March, 2014.

BY THE COURT

\_\_\_\_\_  
Judge/Clerk/Assistant Clerk

Exhibit 1

- (i) Any and all bank accounts, savings, checking or otherwise held in the name of Copar Trucking, LLC; and
- (ii)

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Prejudgment Remedy, Order for Hearing and Notice, Motion for Disclosure of Assets, Direction for Attachment, and proposed Order Granting Motion for Prejudgment Remedy was mailed via first class mail, postage prepaid on this           <sup>th</sup> day of March, 2014 to the following counsel and pro se parties of record:

\_\_\_\_\_  
Dale M. Clayton, Esq.